

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1221 of 2007(U)

PETITIONER:

SULFIKER ALI THORAKKADAN, AGED 33 YEARS,
S/O.YOUSUF, THORAKKADAN HOUSE, MANJALPARA,
KERALA ESTATE PO, NILAMBUR TALUK, MALAPPURAM DIST.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

1. THE SPECIAL GRADE SECRETARY,
KARUVARAKUNDU, GRAMA PANACHAYATH,
KARUVARAKUNDU, NILAMBUR TALUK.
2. THE KARUVARAKUNDU, GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KARUVARAKUNDU,
NILAMBUR TALUK.
3. THE TAHSILDAR, NILAMBUR TALUK,
NILAMBUR.
4. THE VILLAGE OFFICER,
KERALA ESTATE VILLAGE OFFICE,
KARUVARAKUNDU, NIALAMBUR TALUK.

BY G.P. SRI.MATHEW G.VADAKKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 1221 of 2007

Dated this 11th day of January, 2007

JUDGMENT

This writ petition has been filed seeking to quash Exts.P4, P6 and P7 under which it is proposed to evict the petitioner from the puramboke allegedly trespassed upon by the petitioner. In fact, earlier a notice similar to Ext.P7 was issued to the petitioner as Ext.P4. To Ext.P4, the petitioner submitted Ext.P5 reply. It appears that the issue was referred by the Panchayat to the competent authority under the Kerala Land Conservancy Act, who issued Ext.P6 notice to the petitioner. The learned counsel for the petitioner submits that to Ext.P6, a detailed reply was submitted and thereafter nothing has been heard from the authorised officer under the Land Conservancy Act. Now the Panchayat has once again issued Ext.P7 notice to the petitioner. Ext.P7 is perse, illegal, so contends the petitioner.

2. I do not propose to decide on the merits of the grounds raised by the petitioner impugning Ext.P7 or for that matter Exts.P4 and P5. Ext.P7, the last notice issued to the petitioner is

only a show cause notice. It is open to the petitioner to file a detailed reply to the same. If reply is filed by the petitioner within two weeks from today, the Panchayat will consider that reply, hear the petitioner and thereafter only take a decision on the question as to whether further action should be taken for evicting the petitioner. The petitioner shall be informed of the said decision. In view of the above direction, forceful eviction of the petitioner from the property in question will be kept in abeyance for a period of two months from today.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk